

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEMAL ALBRITTON,

Plaintiff,

-against-

LAWRENCE FREDELLA, et al.,

Defendants.

22-cv-4512 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On November 30, 2023, Plaintiff Jemal Albritton submitted a motion requesting counsel. *See* Dkt. 83. In determining whether to grant an application for counsel, Albritton must make a “threshold showing of some likelihood of merit.” *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 174 (2d Cir. 1989) (per curiam). The Court must then consider the factors set forth in *Hodge v. Police Officers*, 802 F.2d 58, 60 (2d Cir. 1986). “These factors include: (1) whether the party’s claim has substantial merit; (2) whether the nature of the factual issues requires an investigation, and whether the party’s ability to investigate is inhibited; (3) whether the claim’s factual issues turn on credibility, which benefits from the skills of those trained in presentation of evidence and cross-examination; (4) the party’s overall ability to present its case; and (5) whether the legal issues presented are complex.” *Dolan v. Connolly*, 794 F.3d 290, 296 (2d Cir. 2015) (citation omitted). The Court must also be cognizant of the fact that volunteer attorney time is a precious commodity and, thus, should not grant a request for counsel indiscriminately. *Cooper*, 877 F.2d at 172.

A more fully developed record will be necessary before it can be determined whether Albritton’s chances of success warrant his request for counsel. Accordingly, it is hereby ORDERED that Albritton’s application for appointment of counsel is denied without prejudice to renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

The Clerk of the Court is directed to terminate Dkt. 83.

SO ORDERED.

Dated: January 3, 2024

New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge